

**Department of Community Planning and Economic Development – Planning Division**  
Variance  
BZZ-5685

**Date:** August 23, 2012

**Applicant:** James Sharp

**Addresses of Property:** 2529 Thomas Avenue South

**Contact Person and Phone:** James Sharp, (612) 374-0096

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** July 31, 2012

**End of 60-Day Decision Period:** September 29, 2012

**Ward:** 7      **Neighborhood Organization:** Kenwood Isles Area Association

**Existing Zoning:** R1 Single-Family District and SH Shoreland Overlay District

**Proposed Use:** One-story cantilever addition to an existing single-family dwelling

**Variance:** to reduce the minimum north interior side yard from 6 feet to 3 feet to allow for a cantilever addition to the existing single-family dwelling

**Applicable zoning code provisions:** Chapter 525, Article IX Variances, Section 525.520 (1) “To vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations”.

**Background:** The subject property is approximately 40 feet by 140 feet (5,600 square feet) and the property includes a single-family dwelling on an interior lot. The existing dwelling is located approximately 4.5 feet from the north property line. There is an existing side door and stoop on the north side of the dwelling. In addition, there is an existing cantilevered window 3.5 feet from the north property line and an existing bay window 3.3 feet from the north property line. The applicant is proposing to remove the existing side door, stoop and bay window to allow for a 1 foot 10 inch deep by 14 foot 1 inch wide, one-story, cantilevered addition, approximately 3 feet from the north property line. The purpose of the addition is to allow for a small kitchen expansion to allow for new cabinetry and counter space. The minimum interior side yard setback in the R1 District is 6 feet and the proposed cantilever is not a permitted obstruction in the required side yard. Therefore the applicant is requesting a variance to reduce the minimum north interior side yard from 6 feet to 3 feet to allow for a cantilever addition to the existing single-family dwelling

Staff has not received any correspondence from the Kenwood Isles Area Association. Staff will forward comments, if any are received, to the Board of Adjustment at the public hearing.

**Findings Required by the Minneapolis Zoning Code:**

**VARIANCE:** to reduce the minimum north interior side yard from 6 feet to 3 feet to allow for a cantilever addition to the existing single-family dwelling

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The circumstances upon which the variance is requested are unique to the parcel of land due to the location and interior floor plan of the existing dwelling and the substandard lot width. The dwelling was constructed in its present location, 4.5 from the north property line in 1921. There are two existing cantilevers on the north side of the structure that are located 3.6 feet and 3.3 feet from the property line. The proposed addition is 1 foot 10 inches by 14 feet 1 inch and will replace the existing bay window that is currently located 3.3 feet from the north property line. Further, the subject property is 40 feet in width; the minimum width required for a lot in the R1 District is 50 feet. Therefore, the lot is substandard in size. These circumstances have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

The applicant is seeking a variance to reduce the required north interior side yard setback from 6 feet to 3 feet for the proposed addition to the existing single-family dwelling. The purpose of yard requirements is to provide for orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. As previously mentioned, the proposed cantilever will replace an existing bay window that is located 3.3 feet from the north property line. In addition, the applicant will be removing the existing side door and stoop on the north side of the dwelling. The dwelling with the structural projections was built in 1921 in its present location. Staff believes that the applicant is proposing to use the property in a reasonable manner.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Staff believes that the granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The proposed addition is approximately 26 square feet in area and will have exterior materials that complement the existing dwelling. The applicant is proposing to stucco the addition that would match the existing dwelling. Finally, granting of the variance will not be detrimental to the health, safety, or welfare of the

Department of Community Planning and Economic Development – Planning Division  
BZZ-5685

general public or of those utilizing the property or nearby properties, as long as it is constructed to current building codes.

**Findings required by the Minneapolis Zoning Code for development in the Shoreland Overlay District:**

**1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

The proposed project will not require any disturbance of the existing grade. There are no existing steep slopes on or near the subject property. Therefore, the subject site will not be significantly altered to adversely affect the water quality of the Lake of the Isles.

**2. Limiting the visibility of structures and other development from protected waters.**

The proposed addition will not be visible from Lake of the Isles and the cantilevered addition to the existing structure will not be out of character with the surrounding developed properties.

**3. The suitability of the protected water to safely accommodate types, uses and numbers of watercraft that the development may generate.**

The subject site does not have direct access to Lake of the Isles. The proposed project will not require the accommodation of any watercraft of any type on the lake.

**Recommendation of the Department of Community Planning and Economic Development - Planning Division:**

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and approve the variance to reduce the minimum north interior side yard from 6 feet to 3 feet to allow for a cantilever addition to the existing single-family dwelling located at 2529 Thomas Avenue South in the R1 Single-Family District and SH Shoreland Overlay District, subject to the following conditions of approval:

1. Approval of the final site and elevation plans by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by August 23, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The addition shall have compatible materials to the existing structure.

Department of Community Planning and Economic Development – Planning Division  
BZZ-5685

**Attachments:**

1. Written descriptions and findings submitted by the applicant
2. July 24, 2012, e-mails to Council Member Goodman and Kenwood Isles Area Association
3. Correspondence
4. Zoning map
5. Survey
6. Floor plans
7. Elevations
8. Photos